

CATEGORICAL EXCLUSION /PLAN CONFORMANCE DOCUMENTATION

DOI-BLM-AK-F020-2014-0017-CX

A. Background

Proposed Action: Issue a five (5) year Special Use Permit to Vernon and Carol Thurneau for use of existing structures on 1.0± acre of BLM-managed land in support of their state mining operations along the Fortymile River.

Date of Proposed Action: May 1, 2014 through May 1, 2019.

Location: The subject land is adjacent to the right bank of the Fortymile Wild and Scenic River approximately 1.9 miles downriver from the Fortymile River Bridge located at 112.5 mile of the Taylor Highway. It is within SE1/4 section 21 of Township 7 South, Range 32 East of the Fairbanks Meridian.

Applicant: Vernon and Carol Thurneau

Serial Number: FF096827

Description of the Proposed Action

Vernon and Carol Thurneau have requested authorization to allow continued use of approximately one (1) acre of public land in support of their state mining operations along the main-stem of the Fortymile River. This type of authorization (“five-year special use permit”) is provided for under Section 1303(b)(2) of the Alaska National Interest Lands Conservation Act (ANILCA). Section 1303(b)(2) of ANILCA provides for “traditional and customary use” of existing cabins and related structures on federal lands within a conservations system unit or area. The authorization would include use of a cabin (18ft. x 18ft. with 12ft. x12ft. addition), two dry shacks (8ft. x 4ft. each) and an outhouse (4ft. x 4ft.).

B. Land Use Plan Conformance

Land Use Plan Name: Fortymile Management Framework Plan of 1980.
Fortymile River Management Plan of 1983

Date Approved/Amended: September 8, 1980.
October 11, 1983

The proposed action is in conformance with Objective 1 of the Fortymile Management Framework Plan. Objective 1 of the Plan is to “Make lands available for intensive use and public purposes.” The Rationale for that objective states that “Demand exists for use of public lands, especially for recreation, commercial development and public purposes along the Taylor Highway.

The proposed action is also in conformance with objective 10 of the Fortymile River Management Plan which is: “To protect valid existing rights, and future rights granted pursuant to appropriate Federal and State laws.”

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 (E-16) which states:

"Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes."

The proposed action must be screened against the extraordinary circumstances found in 43 CFR 46.215 and listed below. Any "yes" finding requires that an Environmental Assessment or Environmental Impact Statement be prepared for the Proposed Action.

EXTRAORDINARY CIRCUMSTANCES	YES/NO
1) May have significant impacts on public health or safety.	No
2) May have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	No
3) May have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	No
4) May have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No
5) Might establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	No
6) May have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No
7) May have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No
8) May have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No
9) Might violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No
10) May have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No
11) Might limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No
12) Could contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No

Recommendation

I have found that the Proposed Action is consistent with the purpose and objectives of the Bureau of Land Management and with Objective 1 of the Fortymile Management Framework Plan. It will not result in any undue or unnecessary environmental degradation. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 516 DM Chapter 2, Appendix 2. I recommend that the Proposed Action be allowed and have concluded that neither an Environmental Assessment nor Environmental Impact Statement is needed.

/s/ Vic Wallace
Vic Wallace, Realty Specialist
Eastern Interior Field Office

11/3/2014
Date

Concurrence

I concur that the above action is consistent with the policies, purpose and objectives of BLM, does not meet any of the extraordinary circumstances described above, and qualifies as a Categorical Exclusion.

/s/ Michelle Ethun Acting For
Lenore Heppler
Field Manager
Eastern Interior Field Office

11/3/2014
Date

Contact Person

For additional information concerning this CX review, contact Vic Wallace, Realty Specialist, Eastern Interior Field Office, at 907-474-2363.